

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32585 of 2024

Arising Out of PS. Case No.-47 Year-2019 Thana- MANIGACHI District- Darbhanga

1. Subodh Paswan, S/o Prakash Paswan,
 2. Suresh Paswan, S/o Ramdeo Paswan,
 3. Sanjeet Paswan, S/o Hari Paswan
- All are residents of village- Rajvara, P.S-Manigachi, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
		Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Manigachi P.S. Case No. 47 of 2019, registered for the alleged offences under Sections 341, 323, 324, 354, 379, 504, 427/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and co-accused persons assaulted the informant and his family members causing a number of injuries to them. The occurrence took place in the background of non-payment of tea served to the petitioner no.1.

4. The learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. For the same occurrence, one Amaresh Paswan, brother of the petitioner no.2 has filed Manigachi P.S. Case No. 49 of 2019 under Sections 341, 323, 379, 354(B), 504, 506, 324/34 of the Indian Penal Code. The learned counsel further submits that it is a case of free-fight in which a number of persons from both sides received injuries. However, injuries of the informant side are superficial and non-serious and could not said to be life threatening. Hence, there could be no application of Section 324 IPC. The allegations of theft of Rs.15,000/-, snatching gold chain and outraging the modesty of any family are merely a super addition and do not bear out from the facts of the FIR. Other offences are bailable in nature. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. The learned APP submits that the petitioners caused injuries on the head of one Mala Devi.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the non-serious nature of injuries as disclosed from the injury report and also considering the possibility of false



implication as well as clean antecedent, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Darbhanga/court concerned, in connection with Manigachi P.S. Case No. 47 of 2019, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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